

Sec. 44. The party, firm or corporation to whom any such contract is let, shall give bond, payable to the drainage commissioners of said district, in the amount of the contract price, conditioned that he, they or it, will faithfully perform the obligations, agreements and covenants of their contracts, and that in default thereof will pay to said district all damages sustained by reason thereof. Said bond shall be approved by such drainage commissioners and the county judge.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Sec. 3. The fact that there have been heretofore authorized and established under said Act of March 23, 1907, drainage districts in certain portions of this State, and that taxes have been levied and assessed for said drainage districts and bonds heretofore issued by said drainage districts, and the fact that there is some doubt as to the legality and regularity of the proceedings in the matter of the establishment of said districts, the assessment and collection of said taxes, and the issuance of said bonds, and it being for the public interest that all said doubts be removed and said acts and proceedings made legal, and the fact that many drainage districts have already been established and elections therein held, but such districts are retarded in their progress by reason of certain defects and inaccuracies in the present law which renders the drainage bonds less salable, and which defects and inaccuracies this bill seeks to correct, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

#### PETITIONS AND MEMORIALS.

By Senator Senter:

At a meeting of the legislative committee of the City Marshals and Chiefs of Police of Texas, the following resolution was adopted:

Resolved, That this committee representing the City Marshals and Chiefs of Police of the State of Texas endorse Senate bill No. 218, introduced by Senator E. G. Senter of Dallas, amending

the present vagrancy law of the State of Texas for the following reasons:

We believe the enactment of this bill into a law will enable the peace officers of this State to rid the cities and towns of a class of loafers and petty thieves which, under the present law, we are unable to cope with. It will also enable us to rid the country of, or bring to justice, all classes who have criminal records, such as pickpockets, burglars, safe blowers and petty thieves who follow circuses and infest the various fairs held throughout the State each year.

We sincerely urge all of the Senators and Representatives to assist in the passage of the bill.

Signed—J. H. Maddox, Chairman; B. F. Brandenburg, B. F. Jenkins, Hollis Barron, G. W. Smith, W. L. Davis, Louis Lowe.

#### TWENTY-NINTH DAY.

Senate Chamber,  
Austin, Texas.

Friday, February 19, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell, McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper. Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hayter, the same was dispensed with.

## BILLS AND RESOLUTIONS.

By Senator Terrell of Bowie:

Senate bill No. 249, A bill to be entitled "An Act to define telegraph and telephone companies, declaring them to be common carriers as to all messages and conversations over their lines, phones and exchanges, and placing them under the Railroad Commission of Texas, and giving said commission full powers to control and regulate said concern and business, and giving said commission power to prescribe and regulate all charges, tolls, rents and fares for messages, conversations, rent, messenger service, and to prescribe conditions under which such charges shall be made and collected, and to correct all abuses and discriminations in the conduct of said business, giving said commission power to force physical contact between two such companies for either local or long distance service where two such companies have office phones or exchanges at common points, and to prescribe the pro rata charges or revenues that each such company shall receive for such service as transmits through and is conducted by such physical contact, and to prescribe the conditions and regulations under which such physical contact shall be made and conducted, and giving such commission power to require such concern to furnish adequate services, facilities, devices and telephones as may be necessary to secure adequate and proper service to the public, giving said commission power to compel such concern to establish an office or exchange in any city, town or village where their wires or phones may run or be operated, giving said commission power to prescribe the number of hours any operator or employe may be worked in each twenty-four, not exceeding eight hours out of each twenty-four hours, giving said commission power to fix different rates for such different companies or to make emergency rates, or to do any other thing with reference to fixing rates that may be just, giving such commission power to adopt all rules and regulations necessary for the hearing and determining of complaints, giving such commission power to call upon such company for all data and information it may need with reference to same in order to determine and fix rates to be charged, giving each commissioner power to administer oaths for the purpose of carrying out the provisions of this act, giving such commission power to call for books, data and accounts

and providing penalties for such company's refusal to comply with such request on the part of such commission, and providing for ouster suit to be brought against such companies so refusing, providing that the Attorney General shall represent all private parties in hearings before such commission, providing that such company may enjoin any order of the commission, the manner in which said injunction shall be heard in the courts; providing for the publication and distribution of rates, rules and regulations promulgated by said commission; providing how any person may make complaint to said commission against such company and the manner and disposition of same, giving said commissioners or some one appointed by them power to examine the books, records and papers of such companies, and prescribing penalties for refusal to allow same, providing penalties for such person for failure to answer questions required by said commission, requiring such commission to make report to the Governor as other heads of the departments concerning such business; giving such commission power to compel attendance of witnesses; providing penalties against such companies for charging more for any services than the rate set for said commission; prescribing penalties against said companies for refusing to transmit messages or discrimination between parties; prescribing penalties against such companies for refusal to comply with any rules, regulations, rates, tolls, charges or rents prescribed by said commission, and prescribing methods by which all penalties provided for in this act may be enforced and collected, and making it the duty of the commission to see that all the provisions of this act and all other laws of this State regulating these companies are enforced, and repealing Chapter 12 of the Acts of the Thirtieth Legislature entitled 'An Act to compel telegraph and telephone companies to arrange for connections or transfer of messages with other telegraph and telephone lines doing a like business, and declaring an emergency.'"

Read first time, and referred to Committee on Internal Improvements.

By Senator Masterson:

Senate bill No. 250. A bill to be entitled "An Act to create a home for lepers and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation

therefor, and to declare an emergency."

Read first time, and referred to Committee on Public Health.

Morning call concluded.

#### HOUSE BILL NO. 58.

On motion of Senator Watson, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, House bill No. 58 by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—1.

Senter.

Absent.

Harper.	Perkins.
Hume.	Terrell of McLennan.
Masterson.	Veale.

The Chair laid before the Senate, on third reading.

House bill No. 58, A bill to be entitled "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27, of the Revised Statutes of the State of Texas."

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—3.

Brachfield.	Senter.
Greer.	

Absent.

Harper.  
Hume.

Terrell of McLennan.  
Veale.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 247.

On motion of Senator Sturgeon, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 247 by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Thomas.
Hume.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 247, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by an affirmative vote of two-thirds of the resident property taxpayers, qualified voters of such county or political subdivision thereof voting thereon, to issue bonds, to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, ballasted, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and Senator Sturgeon offered the follow-

ing amendment, which was read and adopted:

Amend the bill after the word "work," in line 12, on page 1; of the caption, by adding, "and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Harper.	Murray.
Hume.	Thomas.
Masterson.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Harper.	Murray.
Hume.	Thomas.
Masterson.	Veale.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 192.

On motion of Senator Bryan, the special order of business (Senate bill No. 156) was suspended, and the Sen-

ate took up, out of its order, Senate bill No. 192, by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Sturgeon.
Hume.	Thomas.
Masterson.	Veale.
Murray.	

The Chair laid before the Senate, on second reading,

Senate bill No. 192, A bill to be entitled "An Act to amend Section 1, Chapter 6 of the Special Laws enacted by the Thirtieth Legislature, entitled 'An Act incorporating the Baird Independent School District in Callahan county, Texas, for free school purposes only; defining its boundaries, and providing for a board of trustees; divesting the city of Baird of the control of its public schools and title to school property and vesting the same in said Baird Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Baird Independent School District and its board of trustees, and repealing all laws in conflict herewith.'"

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and

Senator Bryan offered the following substitute for the bill:

Pending the reading of the substitute, on motion of Senator Bryan, the same was dispensed with.

Substitute by striking out all after the enacting clause, and insert the following substitute:

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 1 and 5, Chapter 6 of the Special Laws enacted by the Thirtieth Legislature, be amended so as to hereafter read as follows:

"Section 1. That there is hereby created and established in Callahan county, Texas, an incorporation for free

school purposes only, under the name of and to be known as the Baird Independent School District, within the boundaries described by the following metes and bounds, to wit:

"Beginning at the N. W. corner of the N. E.  $\frac{1}{4}$  section No. 95, B. B. B. & C. R. R. Co. lands, Abstract No. 44 and Patent No. 14; thence east following the north boundary lines of Sections 95, 102, 111, 118, 137 and 144, B. B. B. & C. R. R. Co. lands to the N. E. corner of said Section 144; thence east to a point in the west line of Section 1, Block C, T. & N. O. R. R. Co. lands; thence south to the N. E. corner of west  $\frac{1}{2}$  of said Section No. 77, Baylor Orphan Asylum lands; thence south, following the middle of said Sections Nos. 77 and 78, Baylor Orphan Asylum Lands, to the south line of said Section 78; thence east to the N. W. corner of Section 21, Deaf and Dumb Asylum lands; thence south to the S. W. corner of said Section No. 21; thence west to the N. W. corner of Section 1, Seale & Morris survey in the east line of Section 145, B. B. B. & C. R. R. Co. lands; thence south to the S. E. corner of said Section 145, B. B. B. & C. R. R. Co. lands; thence west to the N. E. corner of the west  $\frac{1}{2}$  of said Section No. 146, B. B. B. & C. R. R. Co. lands; thence south to the S. E. corner of the west  $\frac{1}{2}$  of said Section 146; thence west following the south boundary lines of Sections 146, 132 and 123 B. B. B. & C. R. R. Co. lands to the S. W. corner of said Section 123; thence west one mile; thence north to the S. E. corner of Section 106, B. B. B. & C. R. R. Co. lands; thence west to the S. W. corner of said Section 106; thence north to the N. W. corner of said Section 106; thence west to the S. E. corner of Section 92, B. B. B. & C. R. R. Co. lands; thence north to the S. E. corner of said Section 92; thence west to the S. W. corner of S. E.  $\frac{1}{4}$  of Section 93, B. B. B. & C. R. R. Co. lands; thence north following the middle lines of Section Nos. 93, 94 and 95, B. B. B. & C. R. R. Co. lands, to the place of beginning."

"Section 5. Said board of trustees of said Baird Independent School District shall be authorized to levy, assess and collect such a tax rate and for such purposes as are now or may hereafter be provided by general law, and may borrow money upon the credit of said district and issue coupon bonds in payment therefor in such a manner and under such restrictions and for such purposes and in such amounts as may now or may hereafter be provided by the

general laws applicable to independent school districts."

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that said Baird Independent School District is now without adequate school buildings and proper equipments and without funds to provide for the same and without a sufficient maintenance taxing power to maintain the schools of said district, creates an emergency and an imperative public necessity requiring the rule that bills shall be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

The substitute was adopted.

Senator Bryan offered the following amendment, which was read and adopted.

Amend first page, first line in caption of the bill and after the words "An Act to amend Section 1," insert the following words, "and 5."

Senator Bryan offered the following amendment, which was read and adopted:

Amend the bill by inserting after the words "repealing all laws in conflict herewith," "and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Harper.	Sturgeon.
Masterson.	Thomas.
Murray.	Veale.

The bill was read third time, and passed by the following vote:

## Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

## Absent.

Harper.	Sturgeon.
Masterson.	Thomas.
Murray.	Veale.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 357.

On motion of Senator Holsey, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, House bill No. 357, by the following vote:

## Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

## Absent.

Harper.	Sturgeon.
Masterson.	Thomas.
Murray.	Veale.

The Chair laid before the Senate, on second reading,

House bill No. 357, A bill to be entitled "An Act to amend an act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' and amended by Chapter 39 of the Special Laws of

the Thirtieth Legislature of the State of Texas, by amending Sections 5, 24, 25, 27, 34, 35, 36, 37, 40, 41, 42, 44, 45, 48, 113, 116, 124, 135, 147, 172, 181, 182, 185, 230 and 240, and by repealing Sections 26, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292 and 293 thereof, so as to abolish the board of commissioners therein provided for and confer upon the city council of said city all the powers, rights and authority therein conferred upon said board of commissioners."

The committee report, which provided that the bill be not printed, was adopted, on motion of Senator Holsey.

Bill read second time, and passed to a third reading.

On motion of Senator Holsey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

## Absent.

Harper.	Sturgeon.
Hume.	Thomas.
Masterson.	Veale.
Murray.	Weinert.

The bill was read third time, and passed by the following vote:

## Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

## Absent.

Harper.	Masterson.
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Murray.  
Thomas.

Veale.  
Weinert.

Senator Holsey moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### INVITATION TO VISIT SAN ANTONIO.

The Chair had the following read to the Senate:

Austin, Texas, February 16, 1909.

To the President of the Senate of Texas.

Sir: On behalf of the Carnival Association of San Antonio, representing the citizenship of that city, it is our privilege and our pleasure to present to you, and through you to the honorable Senate of Texas, a cordial invitation to visit San Antonio on the occasion of the Battle of Flowers and Spring Carnival, which will occur April 21 to 25. You are especially invited to be present on April 21, celebration of the victory of San Jacinto and Texas independence.

The undersigned, as a committee from the Carnival Association, regrets that when they visited the Capitol this afternoon that the Senate was not in session so that this invitation could be presented to you in person.

Trusting that your honorable body will find it possible to accept this invitation from the city of San Antonio, and join with us in making this celebration worthy of the great event which it commemorates, we have the honor to remain, sir,

Very respectfully yours,

J. H. KIRKPATRICK,

JOHN B. CARRINGTON,

Committee.

On motion of Senator Alexander the invitation was accepted.

#### INVITATION TO ATTEND UNVEILING.

The Chair had the following read to the Senate:

Austin, Texas, February 16, 1909.

The United Daughters of the Confederacy and the Daughters of the Republic invite you to be present at the unveiling of the monument erected to the memory of Brigadier General Tom Green, in Oakwood cemetery, at 3 p. m. on February 22, 1909.

MRS. McNELLY.

On motion of Senator Alexander the invitation was accepted.

#### MEMORIAL.

The Chair had the following read to the Senate, and directed same to be printed in the Journal:

To the Honorable Members of the Legislature of the State of Texas:

Whereas, A bill has been introduced and is now pending before the Legislature, having for its object the removal of the custody and care of the Alamo property from the Daughters of the Republic of Texas, into whose custody the same was committed by the acts of the Legislature by which the title to said property was acquired by the State, and to place the same in the custody of a commission or the State Superintendent of Public Buildings and Grounds; and

Whereas, Some of those who are members of the Daughters of the Republic of Texas, or who claim to be members, have expressed themselves as favoring the adoption of said bill, and if the same should finally become a law without any protest upon the part of the Daughters of the Republic of Texas, it may appear to the uninformed that said organization and its members have confessed themselves unworthy of the trust reposed in said organization when the custody of said property was entrusted to it by the Legislature; and

Whereas, The truth is, that a vast majority of the officers and members of the Daughters of the Republic of Texas are opposed to the passage of said bill, and the Daughters of the Republic of Texas as an organization are now willing, as it has always been, to faithfully discharge the trust reposed in it by the Legislature when the custody of said property was given to it;

Now, therefore, we, the undersigned, officers of the Daughters of the Republic of Texas, acting at the request of the Association of the Daughters of the Republic of Texas, through its executive committee and other members, hereby protest against the passage of said proposed bill, and in support of such protest submit that for the State to take said property from the custody of the Daughters of the Republic of Texas and place the same in the hands of a commission or of the Superintendent of Public Buildings and Grounds, as proposed, would be unwise, expensive to the State and destructive of the objects and purposes for which said property

was acquired, and to which it should ever be consecrated and maintained, for the reasons following:

(1) Because said property has no value to the State except a historic and sentimental value—a value which arises from the historic deeds of valor with which said property was associated and to which it should be consecrated and maintained as a permanent memorial, and its value as such can not be properly preserved by a commission or by the Superintendent of Public Buildings and Grounds, as is proposed by the bill under consideration without great expense to the State. It is impracticable for the members of said commission or of a Superintendent of Public Buildings and Grounds to have the physical possession and control of said property, and the commission or superintendent must, therefore, act through agents selected by it to maintain and control the property, and such competent agents to control and manage the same cannot be had except at great expense to the commission or superintendent, or to the State, and when such property is placed in the hands of such custodians as may be selected by the commission or superintendent there is always danger that it may be so managed and conducted in the interest of economy or in accordance with business judgment and expediency as will cause the historic value of the property to be lost sight of and subordinated to considerations of economy and expediency.

(2) Because the idea and plan of acquiring this property and the preservation thereof originated with the De Zavala Chapter of the Daughters of the Republic of Texas of San Antonio, who presented over \$15,000 to the people of Texas in vesting the title to the Alamo property in the State of Texas, and the action of the Legislature in acquiring the title to said property was prompted by a desire to carry out the plan and purpose of the preservation of this property, as originally designed by the De Zavala Chapter of the Daughters of the Republic of Texas, and later adopted by the general body of said organization. And inasmuch as the members of said organization are lineal descendants of those heroes of Texas with whose deeds of valor the Alamo is inseparably connected, and inasmuch as the objects and purposes for which the Daughters of the Republic of Texas was organized are in entire harmony with the political purpose which prompted the acquisition of the Alamo by the State, said organi-

zation is better equipped to so maintain and preserve the Alamo as to perpetuate its historic value and thus accomplish the purposes for which the State acquired it, than any other body, commission, or officer, or organization.

The fact that there has been some division of sentiment on the part of some of the members of the Daughters of the Republic of Texas constitutes no reason for taking from said organization the custody of said property. The Daughters of the Republic of Texas is a permanent chartered organization and society, and will continue to discharge its corporate functions and duties, if permitted to do so, regardless of individual efforts or interests. The general organization of the Daughters of the Republic of Texas placed the immediate custody of the Alamo with the De Zavala Chapter of said organization, which is located at San Antonio, and said chapter is in a position to properly maintain and preserve the property in its original and historic form without expense to the State, and said chapter would still be discharging that duty but for the fact that as a result of a controversy instituted by those claiming to be officers of the Daughters of the Republic of Texas, said property was placed temporarily in the hands of the Governor of Texas to await the result of said controversy, but said controversy can only be temporary in its nature, and after it shall have been determined the organization will still be in existence.

In consideration of these matters we respectfully ask the members of the Legislature to defeat the proposed bill, and we respectfully request the President of the Senate and the Speaker of the House to read this communication to the Senate and House in open session, respectively, and that the same be recorded in the Journal of each.

Respectfully submitted,

MRS. WHARTON BATES,  
President of the Daughters of the Republic of Texas.

MISS MARY BRISCOE,  
Secretary General D. R. T.

#### MEMORIAL.

Weatherford, Texas, February 17, 1909.  
Hon. A. B. Davidson, Lieutenant Governor of Texas.

Dear Sir: Permit me, in behalf of the surviving members of Governor Lanham's family, to thank you, and through



you the State Senate, for the laudatory resolutions recently passed, a copy of which, officially prepared, was recently sent me. It is a peculiar solace to those of us who survive our lamented parents to know that they were held in the highest esteem both by men of high and low estate alike.

Repeating our thanks for the thoughtful courtesy of yourself and the Senate, I have the honor to be, sir,

Very respectfully yours,

FRITZ G. LANHAM.

The above was read to the Senate by direction of Lieutenant Governor Davidson.

(President Pro Tem. Terrell in the chair.)

#### SENATE BILL NO. 68.

On motion of Senator Ward, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 68, by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Real.
Hayter.	Thomas.
Masterson.	Veale.
Paulus.	

The Chair laid before the Senate, on second reading,

Senate bill No. 68, A bill to be entitled "An Act to prohibit any corporation, or receiver, operating a line of railway in whole or in part, in the State of Texas, or any officer, agent, or representative of such corporation, or receiver, to retain, maintain, or establish a name on any railway station or depot in any incorporated or unincorporated town or city within this State, other than the name of the town or city, which town or city bears the name of its postoffice so given by the United States government, and providing penalties for vio-

lation of this act, and prescribing the venue of suits and prosecutions thereunder."

The committee report was adopted.

The bill was read second time, and ordered engrossed.

#### SENATE BILL NO. 137.

On motion of Senator Real, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 137, by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Thomas.
Masterson.	Veale.
Terrell of McLennan.	

The Chair laid before the Senate, on second reading,

Senate bill No. 137, A bill to be entitled "An Act to amend Title 12, Chapter 2, Revised Civil Statutes of the State of Texas, by adding to Article 278, Article 278a, prescribing mode of appointing assistant district attorneys in districts of 60,000 population and over, where there is no criminal district court established, and qualification therefor, and duties thereof, and affixing salary, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and

Senator Brachfield offered the following amendment:

Amend the bill by striking out the word "of" and the figures "60,000," before the word "population," in Section 1 of the bill, and add in lieu thereof the following: "In which there is situated a city with 25,000"; and amend Article 278a in the same manner.

Senator Murray moved that the bill be printed in full in the Journal and

that the bill be made a special order for next Wednesday morning after the morning call, and that all proposed amendments be printed in the Journal also.

The motion prevailed.

Following is the bill in full:

Senate bill No. 137. By Real,  
Terrell of Bowie.

### A BILL

To be entitled

An Act to amend Title 12, Chapter 2, Revised Civil Statutes of the State of Texas, by adding to Article 278, Article 278a, prescribing mode of appointing assistant district attorneys in districts of 60,000 population or over, where there is no criminal district court established, and qualification therefor, and duties thereof, and affixing salary, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

That Title 12, Chapter 2 of Revised Civil Statutes of State of Texas, relative to district attorneys, be amended by adding to Article 278, Article 278a, providing for appointment of assistant district attorneys in districts of 60,000 population or over, where there is no criminal district court established, prescribing duties and qualifications thereof, and affixing a salary.

Article 278a. From and after the passage of this act, the Governor of the State of Texas shall appoint an assistant district attorney in districts of 60,000 population or over, where there is no criminal district court established, provided the district attorney in said district can furnish data to the Governor that he is in need of an assistant and that he is himself unable to attend to all of the duties required of him, and that it is necessary and for the best interest of the State that an assistant be appointed.

And every person so appointed shall be a qualified resident of the district in which said appointment is made, and shall give bond and take oath of office required by district attorneys of this State, and shall have the power and authority to perform all the acts and duties of district attorneys, and said appointment shall be for a period of 12 months, unless the Governor of the State should remove person appointed as hereinafter provided.

Sec. 2. Said assistant district attor-

ney shall be paid the sum of \$2000 per annum by the Comptroller of the State of Texas, and said amount to be paid in monthly payments upon certificate of district clerk and district judge of said district, that said assistant district attorney has performed his duties and is entitled to pay.

Sec. 3. The Governor of the State of Texas, at any time he deems said assistant unnecessary, in any district, or that person appointed is not attending to his duties as required by law, remove said person from office by merely writing district attorney and district judge of said district to that effect.

Sec. 4. The fact that there is no adequate law of this State, providing for assistant district attorneys, and in many districts of the State the district attorneys have a large amount of important work, which they are unable to attend to on account of lack of time, creates an emergency and imperative public necessity, that this act be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and that the rule is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted.

Following are the proposed amendments:

By Senator Brachfield:

Amend the bill by striking out all after the words "district attorney" the last time it appears in Article 278a, and add in lieu thereof the following: "And said appointment shall be for such period as the Governor shall deem best for the enforcement of the law, not to be less than one month."

By Senator Willacy:

Amend by adding after the word "paid," in line 2, Section 2, the following: "For the time of actual service rendered at the rate of."

### HOUSE BILL NO. 382.

On motion of Senator Cofer, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, House bill No. 382, by the following vote:

Yeas—26.

Adams.	Greer.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hume.
Cofer.	Kellie.

Masterson.	Stokes.
Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Terrell of McLennan.
Peeler.	Ward.
Perkins.	Watson.
Real.	Weinert.
Senter.	Willacy.

Absent.

Harper.	Thomas.
Hudspeth.	Veale.
Paulus.	

The Chair laid before the Senate, on second reading,

House bill No. 382, A bill to be entitled "An Act to amend Article 4 of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency'; regulating the issuance of bonds for said city, and declaring certain bonds heretofore issued by said city to be valid, and declaring an emergency."

On motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Harper.	Paulus.
Hudspeth.	Thomas.
Murray.	Veale.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third

reading and final passage by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Veale.
Thomas.	

(Senator Mayfield in the chair.)

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Thomas.
Hudspeth.	Veale.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SUBSTITUTE SENATE BILL NO. 141.

On motion of Senator Terrell of Bowie, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 141, by the following vote:

Yeas—27.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of
Mayfield.	McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Harper.	Veale.
Thomas.	Ward.

The Chair laid before the Senate, on second reading,

Senate bill No. 141, A bill to be entitled "An Act to prohibit corporations in incorporated cities and towns furnishing water, electricity, gas and telephone service to citizens of such cities from discontinuing same without notice, and prescribing conditions under which they may discontinue same where controversy arises from charges of such corporation, and prescribing penalties for violating the provisions of this act, and declaring an emergency."

The committee report, which recommended a substitute for the bill, was adopted, on motion of Senator Terrell of Bowie.

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by adding to Section 3 the following: "It is further provided that said corporations may discontinue for purpose of repairs upon notice being given to consumer."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by striking out all after the figure "2," in line 6, page 6, and by striking out all of line 7, page 6, to the word "if," and insert in lieu thereof the word "and."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by inserting the word "but" between the words "commodity" and "if," in line 9, page 6.

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by inserting the words "five days" between the words "person" and "notice." on line 12, page 6.

Senator Brachfield offered the follow-

ing amendment, which was read and adopted:

Amend the bill, page 6, by adding Section 5a to read as follows: "The provisions of this act shall not apply in any city or town where no meter system is in use."

MEACHUM,  
BRACHFIELD.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—3.

Greer.	Sturgeon.
Stokes.	

Absent.

Harper.	Veale.
Holsey.	

The bill was read third time, and passed by the following vote:

Yeas—19.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Terrell of Bowie.
Hayter.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Ward.
Meachum.	Watson.
Paulus.	Willacy.

Nays—9.

Cofer.	Peeler.
Greer.	Stokes.
Masterson.	Sturgeon.
Mayfield.	Weinert.
Murray.	

Absent.

Harper.	Veale.
Holsey.	

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 18—REFUSE TO CONCUR IN HOUSE AMENDMENTS.

Senator Alexander called up

Senate bill No. 18, A bill to be entitled "An Act declaring void the sale or transfer of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's or transferer's business, and sales or transfers of entire stocks of merchandise in bulk unless made in compliance with certain named conditions and regulations, and prescribing such conditions and regulations according to which such sales may be made valid, and declaring an emergency."

And moved that the Senate do not concur in the following House amendments, and requested a Conference Committee:

Amend Senate bill No. 18, page 2, lines 1 and 2, by striking out the following words: "Or of whom he can by reasonable diligence acquire knowledge."

Amend by adding to the end of Section 1, the following: "Provided, that the seller may require the proposed purchaser, before he gives notice to the seller's creditors, to deposit in a bank to be agreed upon such part of the purchase price as a forfeit as will be reasonably sufficient to secure the completion of the sale or secure the seller against damages which may result to him if such sale is not completed; and the person who proposes to buy any stock of goods in bulk who, after having obtained the names of such creditors and who shall give such notice to such creditors without making the deposit aforesaid, shall be liable in damages to the proposed seller in an amount equal to 10 per cent of the amount of the stock of goods to be sold."

The motion to non-concur prevailed.

#### CONFERENCE COMMITTEE — APPOINTMENT OF.

The Chair, Senator Mayfield, appointed the following Conference Committee on part of the Senate:

Senators Alexander, Senter, Hudspeth, Meachum and Willacy.

(President Pro Tem. Terrell in the chair.)

#### SENATE BILL NO. 22.

On motion of Senator Masterson, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 22, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Veale.
Harper.	Ward.

The Chair laid before the Senate, on second reading,

Senate bill No. 22, A bill to be entitled "An Act authorizing the United States to acquire title to land on Galveston Island, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Masterson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Bryan.	Murray.
Harper.	Veale.

The bill was read third time, and passed by the following vote:

## Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

## Absent.

Bryan.	Murray.
Harper.	Veale.

Senator Masterson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House bill No. 48, and requests a Free Conference Committee be appointed. The following have been appointed on part of the House: Messrs. Bogard, Jackson, Terrell of Cherokee, Luce and Baker of Panola.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## HOUSE BILL NO. 48—FREE CONFERENCE COMMITTEE ON.

The Chair here appointed the following Free Conference Committee on part of the Senate on House bill No. 48 (see above message for request for):

Senators Brachfield, Holsey, Kellie, Terrell of Bowie and Hume.

## SENATE BILL NO. 157.

On motion of Senator Meachum, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 157, by the following vote:

## Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

## Absent.

Bryan.	Veale.
Harper.	Willacy.
Murray.	

The Chair laid before the Senate, on second reading,

Senate bill No. 157, A bill to be entitled "An Act to provide for the speedy and efficient enforcement of the liens of mechanics and artisans on the buildings, improvements and articles made or repaired by them, etc."

The bill was read second time, and

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, Section 1, page —, lines 13 and 14, by striking out the words, "and for twenty days subsequent to the completion thereof." and substitute in lieu thereof the following words: "And for thirty days subsequent to the completion thereof, at the expiration of which time the special liens upon said fund of 10 per cent, created as herin provided, shall be extinguished, except as to such liens as shall have been duly filed in the office of the county clerk in accordance with law."

MEACHUM,  
SENER.

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Cofer.	Mayfield.
Greer.	Meachum.
Hayter.	Paulus.

Peeler.	Terrell of Bowie.
Perkins.	Thomas.
Real.	Ward.
Senter.	Watson.
Stokes.	Weinert.
Sturgeon.	Willacy.

Absent.

Harper.	Terrell of McLennan.
Masterson.	Veale.
Murray.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Harper.	Murray.
Masterson.	Veale.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 154.

Senate bill No. 154, being on the table subject to call, Senator Alexander called for the consideration of same.

The Chair laid before the Senate, on second reading,

Senate bill No. 154, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 143, Acts of the Twenty-seventh Legislature, and Chapter 100, Acts of the Twenty-eighth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

The question on the bill was the pending amendment by Senator Senter

(see Journal of February 18 for amendment).

Senator Senter offered the following amendment to the amendment, which was read and adopted:

Amend the amendment by adding thereto Subdivision 78 to read as follows:

"78. For the purpose of carrying on the business of making and laying of concrete sidewalks, curbing, curb and gutter, steps, retaining walls, the making of concrete building blocks, and placing the same in walls, 'reinforced' concrete construction, street paving work and all kinds of cement paving and concrete construction, and the purchase and sale of such articles, goods, wares and merchandise used or made in such business."

SENDER,  
VEALE.

The amendment as amended was then adopted.

Senator Meachum offered the following amendment which was read and adopted:

Amend the bill, page 2, line 2, by adding after the amendment offered by Senator Alexander, adopted, following the word "State," the following: "Provided, no property upon which is located a cemetery shall ever be condemned, unless it shall affirmatively be shown and so found by the court trying any such condemnation suit that it is necessary to take such property, and no other route is feasible or practicable, and."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill by adding a new section, to be numbered 5, and renumbering Section 2 as Section 6, said Section 5 to read as follows:

"Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed, including Section 2 of Chapter 150 of the General Laws passed by the Thirtieth Legislature at its Regular Session, and Chapter 152 of the General Laws passed by the Thirtieth Legislature at the Regular Session."

(Lieutenant Governor Davidson in the chair.)

Senator Senter offered the following amendment, which was read:

Amend the caption by inserting before the words "and declaring an emergency," the following words: "And amending Subdivision No. 46 thereof, relating to the organization of insurance companies, and adding thereto Subdivision No. 72, authorizing the formation of corporations for the transportation of

passengers and baggage by means of wagons, wagonette, omnibuses, cabs, or similar vehicles, and Subdivision No. 73 authorizing the formation of corporations to construct and repair buildings, bridges, dams, roads, streets, sidewalks and similar construction work, and Subdivision No. 74 authorizing the formation of corporations to act as agent and to hold agency contracts, and Subdivision 75, authorizing the incorporation of commercial clubs, and Subdivision 76 authorizing the formation of corporations to include one or more of the following purposes, to wit, the supply of water to the public, the manufacture and supply of ice, gas, heat, electric light and motor power, the manufacture, supply and sale of carbonated and distilled water and the operation of cotton seed oil mills or cotton compress, and Subdivision No. 77 authorizing the formation of corporations to conduct a general advertising and bill-posting service, and Subdivision No. 78 authorizing the formation of corporations for the purpose of carrying on the business of making and laying of concrete sidewalks and doing other concrete construction and the sale of concrete products, and repealing all laws and parts of laws in conflict herewith."

Pending.

(Senator Hume in the chair.)

Senator Brachfield moved to postpone the further consideration of the bill until next Wednesday morning, and it be made a special order, and that the proposed amendments to the bill be printed in the Journal.

Pending discussion on the above motion, Senator Kellie moved the previous question on same, which being duly seconded, was so ordered.

The motion to postpone was lost by the following vote:

Yeas—8.

Brachfield.	Mayfield.
Bryan.	Stokes.
Greer.	Sturgeon.
Masterson.	Terrell of Bowie.

Nays—20.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Harper. Veale.  
Terrell of McLennan.

(Lieutenant Governor Davidson in the chair.)

The question then recurred on the amendment by Senator Senter.

#### HOUSE CONCURRENT RESOLUTION NO. 8.

On motion of Senator Alexander, the pending order of business (Senate bill No. 154) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 8, by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Harper. Thomas.  
Kellie. Veale.  
Paulus. Willacy.  
Terrell of McLennan.

The Chair laid before the Senate, House Concurrent Resolution No. 8, Relative to inviting the National Education Association to hold its next meeting in Texas in 1910.

The committee report was adopted.

The resolution was read and adopted.

#### MOTION TO RECONSIDER SPREAD ON JOURNAL.

Senator Terrell of Bowie moved to reconsider the vote by which all the amendments to Senate bill No. 154 had been adopted, and spread the motion on the Journal.

Senator Senter moved to table the motion to reconsider.

The motion to table was adopted by the following vote:

Yeas—15.

Adams. Cofer.  
Alexander. Hayter.



Hudspeth.	Senter.
Hume.	Stokes.
Meachum.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	

Nays—9.

Brachfield.	Mayfield.
Bryan.	Murray.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Masterson.	

Absent.

Harper.	Thomas.
Kellie.	Veale.
Paulus.	Willacy.
Terrell of McLennan	

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Conference Committee on Senate bill No. 18, and the following have been appointed on part of the House:

Messrs. Fitzhugh, Marshall, Robertson of Travis, McCallum and Davis.

Does not concur in Senate amendments to House bill No. 152, and requests the appointment of a Free Conference Committee, and the following have been appointed on part of the House:

Messrs. Byrne, Von Rosenberg, Trenckmann, Fitzhugh and Wahrmond.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## HOUSE BILL NO. 152—FREE CONFERENCE COMMITTEE ON.

The Chair, Lieutenant Governor Davidson, here appointed the following Free Conference Committee on House bill No. 152 (see above House message for request of):

Senators Murray, Willacy, Hudspeth, Weinert and Sturgeon.

## BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign in the presence of the Senate, after

their captions had been read, the following bills:

Senate bill No. 132, "An Act authorizing any county in the State of Texas having a population in excess of 50,000 inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches."

Senate bill No. 189, "An Act to create the county court of Tarrant county for civil cases, to fix and prescribe the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Tarrant county, fixing the salaries of the judges of the county court of Tarrant county and of the county court of Tarrant county for civil cases, providing for the appointment and election of the judges of said court hereby created, providing for the appointment of special judges and filling of said vacancies in said offices, and declaring an emergency."

## ADJOURNMENT.

Senator Mayfield moved that the Senate adjourn until Monday morning at 10 o'clock.

Senator Peeler moved that the Senate adjourn until 10 o'clock Tuesday morning.

Action being on the longest time first, the motion to adjourn until 10 o'clock Tuesday was lost, by the following vote:

Yeas—9.

Adams.	Real.
Hudspeth.	Stokes.
Hume.	Watson.
Murray.	Weinert.
Peeler.	

Nays—15.

Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Ward.
Masterson.	

Absent.

Harper.	Thomas.
Kellie.	Veale.
Paulus.	Willacy.
Terrell of McLennan.	

Action then recurred on the motion to adjourn until Monday morning at 10 o'clock.

The motion was adopted by the following vote:

**Yeas—13.**

Brachfield.	Peeler.
Bryan.	Real.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Watson.
Mayfield.	Weinert.
Murray.	

**Nays—11.**

Adams.	Meachum.
Alexander.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Hudspeth.	Ward.
Masterson.	

**Absent.**

Harper.	Thomas.
Kellie.	Veale.
Paulus.	Willacy.
Terrell of McLennan.	

**APPENDIX.**

**COMMITTEE REPORTS.**

**(Floor Report.)**

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 252, A bill to be entitled 'An Act to amend Chapter 5 of the Special Laws of the State of Texas passed by the Twenty-ninth Legislature, entitled 'An Act to create a more efficient road system for Kaufman county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work, and providing for the condemnation of land for public road purposes, and relieving road hands from the performance of road work by the payment of the sum of \$3.00, and providing for elections for issuance of bonds for pub-

lic road and bridge purposes, and providing for the issuance and sale of such bonds by the commissioners court of said county, and providing, further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Kaufman county, Texas, and fixing a penalty for the violation of this act, and repealing all laws in conflict with this act, and declaring an emergency,' by adding thereto Section 20a, providing a penalty for a failure to pay poll tax in Kaufman county, Texas, providing a method of collecting same, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Murray, Paulus, Sturgeon, Perkins, Terrell of McLennan, Senter.

**(Floor Report.)**

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 242, A bill to be entitled 'An Act to repeal Chapter 91, page 732 of the Special Laws of the Thirtieth Legislature, entitled 'An Act to require all persons in the county of Camp, who are subject to road duty, to work ten days on the public roads in said county in each year, or to pay \$1.00 for each day in lieu of working the public roads, that such roads are worked'; also to amend Section 8 of Chapter 100, page 775 of the Special Laws of the Thirtieth Legislature, entitled 'An Act to create a more efficient road system for Camp county, Texas, to make the county commissioners thereof ex-officio road commissioners, and prescribe their duties, and providing for their compensation as such: to provide for working of county convicts upon the public roads of said county, to provide for the amount of compensation in road time to be allowed by road overseers to road hands for team and road work to provide for condemnation of land for public road purposes, providing for working delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of \$5.00, and providing for the levy and collection by the commissioners court of said county the regular fifteen cents on the \$100 valuation now authorized by law for road and bridge pur-

poses; also for the levy of an additional tax of fifteen cents on each \$100 valuation for road purposes, and also for issuing of lands not to exceed fifteen cents on each \$100 valuation in any one year, and sale of such bonds for road purposes; to provide for an election by the qualified voters of said county to determine as to the levy of the extra fifteen cents on the \$100 valuation, and also on the question of the issuing of bonds, making this law cumulative of the general laws on this subject, and declaring an emergency,' by reducing the number of days persons may be compelled to work on the public roads from ten days to five days, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Murray, Paulus, Sturgeon, Perkins, Terrell of McLennan, Senter.

(Floor Report.)

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 258, A bill to be entitled "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto, to provide for the appointment of road overseers, to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto, to utilize the labor of defaulting poll tax payers on the public roads of said counties, and to provide adequate penalties for the violation of the provisions of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Section 1, Section 2, Section 33, Section 53 and Section 54 of the Acts of the Twenty-third Legislature, entitled "An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta and Rusk, and auxiliary thereto,"' etc., by reducing the number of days persons may be compelled to work on the public roads in

Upshur county from ten days to five days in each year, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Murray, Paulus, Sturgeon, Perkins, Terrell of McLennan, Senter.

(Floor Report.)

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 321, A bill to be entitled "An Act to create a more efficient road system for Polk county, Texas, making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the appointment of road overseers and defining their duties, and providing for the working of county convicts upon the public roads, and providing for officers' fees and rewards for the capture of escaped convicts when the same are worked on the public roads, and providing for the summoning of teams for road work and for allowance of time for same; providing for penalties for the violation of this act, and repealing all laws in conflict with this act as to Polk county; authorizing the commissioners court to create the office of county superintendent of public roads and bridges for said Polk county, Texas, providing for his appointment, defining his duties, providing for his compensation and prescribing bond to be given by such officers; providing that delinquent poll tax payers shall be subject to three days' road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone or any other material necessary in road work, and giving persons subject to road duty the right to be relieved from discharge of such duty on payment of specific sums of money herein stipulated, and to authorize and empower said county of Polk to issue bonds for the construction and maintenance of public roads, bridges and highways within said county of Polk, and to provide for a tax to create a sinking fund to pay same, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Peeler, Murray, Paulus, Sturgeon, Perkins, Terrell of McLennan, Senter.

(Floor Report.)

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 382, A bill to be entitled "An Act to amend Article 4 of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the issuance of bonds by said city, and declaring certain bonds heretofore issued by said city to have been issued in compliance with said act, and to be valid and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Cofer, Terrell of McLennan, Real, Alexander, Sturgeon, Peeler, Willacy, Murray, Masterson, Holsey.

(Floor Report.)

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 238, A bill to be entitled "An Act to authorize the commissioners court of the several counties in Texas to create and establish improvement districts to prevent overflows, and to construct and maintain levees and other improvements on rivers, creeks and streams, and to prevent overflows, to order and hold elections for the purpose of voting on the establishment of district and authorizing the issuance of bonds to pay for such improvements and the maintenance thereof, and the levying and collection of taxes to pay for such bonds, and interests thereon, to appoint commissioners and all other necessary officers of such improvement districts for the purpose of carrying into

effect the provisions of this act; defining their powers and duties; granting the right of eminent domain to such improvement districts and authorizing the improvement commissioners to acquire by purchase, gift or grant for such districts title to any right of way and other property, and such levees or other improvements as may have been therein previously constructed or made in such districts and authorizing such commissioners to sell any property acquired by said district under the provisions of this act or otherwise, and generally authorizing the commissioners court and improvement commissioners to do all things necessary for the establishment and maintenance of such districts and the construction and maintenance of said levees and other improvements, according to the provisions of this act, and making it a penal offense for any person to wilfully prevent the improvement district officers from entering upon such person's land for the purpose of carrying out the provisions of this act, and providing a penalty therefor, and creating other offenses and providing penalties therefor under this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Meachum, Chairman; Thomas, Ward, Masterson, Brachfield, Peeler, Stokes, Senter, Hume, Paulus, Cofer.

(Floor Report.)

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 75, A bill to be entitled "An Act to exempt Collin county from the provisions contained in Section 1 of Chapter 168 of the General Laws of the Regular Session of the Thirtieth Legislature, relative to the appointment and qualifications of county auditors,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by striking out that part of engrossed rider to House bill No. 75, which is as follows:

Amend House bill No. 75 by inserting

"Ellis county" in the caption and in the bill.

Meachum, Chairman; Ward, Paulus, Peeler, Hume, Brachfield, Masterson.

Committee Room,

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 126, A bill to be entitled "An Act to establish a chair of Homeopathic materia medica and therapeutics in the Galveston Medical Branch of the State University, and instructing the Board of Regents of the State University to engage a teacher identified with the Homeopathic school of medicine to teach this branch of medicine, and to set aside a room or rooms, and to furnish same for didactic and clinical lectures, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 32, A bill to be entitled "An Act to amend Section 31 of Chapter 104 of the Acts passed by the Twenty-ninth Legislature, entitled 'An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called into active service, and to repeal all laws in conflict therewith, and declaring an emergency'; by increasing the Assistant Adjutant General's salary to \$1500 per year, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 82, A bill to be entitled "An Act to amend Article 3151 of Chap-

ter 2, Title 62 of the Revised Civil Statutes of the State of Texas of 1895, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 171, A bill to be entitled "An Act to amend Sections 2, 3, 4, 5 and 6 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to the investment of the permanent school fund by the Board of Education, by providing for purchase by said board of bonds of the United States, the State of Texas, the bonds of the counties of the State of Texas, the bonds of the independent school districts of Texas and of the common school districts of said State, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

#### PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

Moody, Texas, February 17, 1909.

Hon. H. B. Terrell, Austin, Texas.

Dear Sir and Friend: We, the undersigned Modern Woodmen of America, do earnestly ask you to give us your influence and vote if it should come to a vote to defeat the bill that is now pending in the Legislature pertaining to a uniform rate on fraternal insurance.

1. We believe it would practically destroy said organization, as the rate would be so high that comparatively few would be able to pay their assessments.

2. We believe that it would force all poor neighbors with a small income to drop their insurance and leave their loved ones without any protection whatever.

3. We think the present rate is sufficient to support the order, as it has done so the past quarter century, with a large surplus of money on hand at this time.

4. We think it would be doing us an injustice to raise our rates to equal the higher-rated insurance to please them.

We earnestly ask you to do all in your power to have the law governing same to be left as it is at present, and want to thank you in advance for any as-

sistance you may give. We beg to remain,  
Numerously signed.

By Senator Cofer:

Gainesville, Texas, February 21, 1909.

To Hon. R. E. Cofer and Hon. G. O. Cravens:

We, your petitioners from Cooke county would set forth the facts that while we deprecate the establishment of bucket shops, as being a useless and pernicious form of gambling, we recognize the fact that branches of the New York and New Orleans cotton exchanges in the State of Texas are necessary for the legitimate commerce of the country.

Further, that the closing of these legitimate offices of the South has cost the cotton States \$100,000,000 in the last two years in the depreciation of our principal commodity.

Therefore, we, your petitioners ask that you do vote and use your influence for the re-establishment of branches of the New York and New Orleans cotton exchanges in Texas, and further the legitimate exchange gives the producer of cotton and grain the free daily information that he can not get from any other source. Numerously signed.

By Senator Thomas:

To the Hon. H. Bascom Thomas:

We, the undersigned citizens of Franklin county, Texas, and members of the Modern Woodmen of America, hereby petition and ask that you vote against and use your influence against the passage of any bill pending before the present Legislature having for its object the raising of the assessment rates of the members of said order, known as the "Uniform Insurance Rate Bill."

In presenting this petition we would respectfully say that the present rate assessed against the members of said order is high enough to maintain the said order on a safe basis financially.

Numerously signed.

By Senator Thomas:

Cumby, Texas, February 10, 1909.

To Senator H. B. Thomas:

We ask that you use your influence and fight the repeal of the bucketshop law and the homestead law also.

Numerously signed.

By Senator Thomas:

Cooper, Texas, January 23, 1909.

To the Legislature of the State of Texas:

The undersigned petitioners, voters

and taxpayers of Delta county, Texas, most respectfully ask your honorable body to support the Thomas bill relative to the office of county superintendent of public instruction.

Numerously signed.

By Senator Perkins:

Lone Oak, Texas, February 15, 1909.

Senator Perkins, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Ward:

Waxahachie, Texas, February 17, 1909.

To the Hon. Pierce B. Ward and Senators of Texas:

We, the undersigned citizens of Ellis county, Texas, petition your honorable body against the abolishment of the county auditor in Ellis county for the following reasons, to-wit:

1. It operates as a great saving to the county financially.

2. It systematizes the business of the county.

3. Any county or institution that has the expenditure of more than \$100,000 annually is greater in need of just such an officer as an auditor.

4. No other officer has the time from the duties of his own office if he were familiar with the duties of an auditor to perform those duties.

5. Every honest officer desires to be checked up and every dishonest one should be.

Numerously signed.

By Senator Bryan:

Whereas, The Sabbath day is essential to the perpetuity of our civilization, the health and morals of our citizens, and

Whereas, The present laws of Texas are defective and inadequate, therefore, we, the undersigned citizens of the State of Texas hereby petition the ensuing Legislature to change the present law:

1. That the penalty for the violation of this law shall be increased so as to eliminate fairs, shows and races of all kinds, or any kind of an entertainment where an admission fee or compensation is charged or received.

2. When any public carrier makes a rate on Sunday, the same rate shall be made on some other day of that week.

Numerously signed.

By Senator Bryan:

We, the undersigned resident citizens of Fisher county, Texas, present this, our protest against the 2-cent fare bill, and respectfully ask that all honorable means be used to defeat this measure.

Numerously signed.

### THIRTIETH DAY.

Senate Chamber,  
Austin, Texas,

Monday, February 22, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll called, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	

Absent.

Harper.	Veale.
Hume.	Weinert.
Real.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

### EXCUSED.

Senator Veale for last Friday and all of this week, account of important business, on motion of Senator Murray.

Senator Hume for today, account of sickness, on motion of Senator Peeler.

### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 18—ADOP- TION OF.

Senator Alexander offered the following Conference Committee report:

Committee Room,

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed on the part of the Senate and House to adjust the difference between the two houses on

Senate bill No. 18, A bill to be entitled "An Act declaring void the sale or transfer of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's or transferrer's business and sales or transfers of entire stocks of merchandise in bulk, unless made in compliance with certain named conditions and regulations, and prescribing such conditions and regulations according to which such sales may be made valid, and declaring an emergency,"

Have had the same under consideration, and we recommend:

1. That the Senate accept the amendment of the House which strikes out certain words on page 2, lines 1 and 2, of said bill.

2. That the House recede from its amendment, which adds certain words to the end of Section 1, beginning with "Provided, that the seller," etc.

ALEXANDER,  
MEACHUM,  
SENER,

On the part of the Senate.

FITZHUGH,  
DAVIS,

ROBERTSON of Travis,  
McCALLUM,

On the part of the House.

The report was read and adopted.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 152—ADOP- TION OF.

Senator Murray offered the following report on part of the Senate:

Committee Room,

Austin, Texas, February 19, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to confer on

House bill No. 152, A bill to be entitled "An Act to appropriate the sum neces-